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Summer Village of Island Lake South

Land Use Bylaw

No. 8/84

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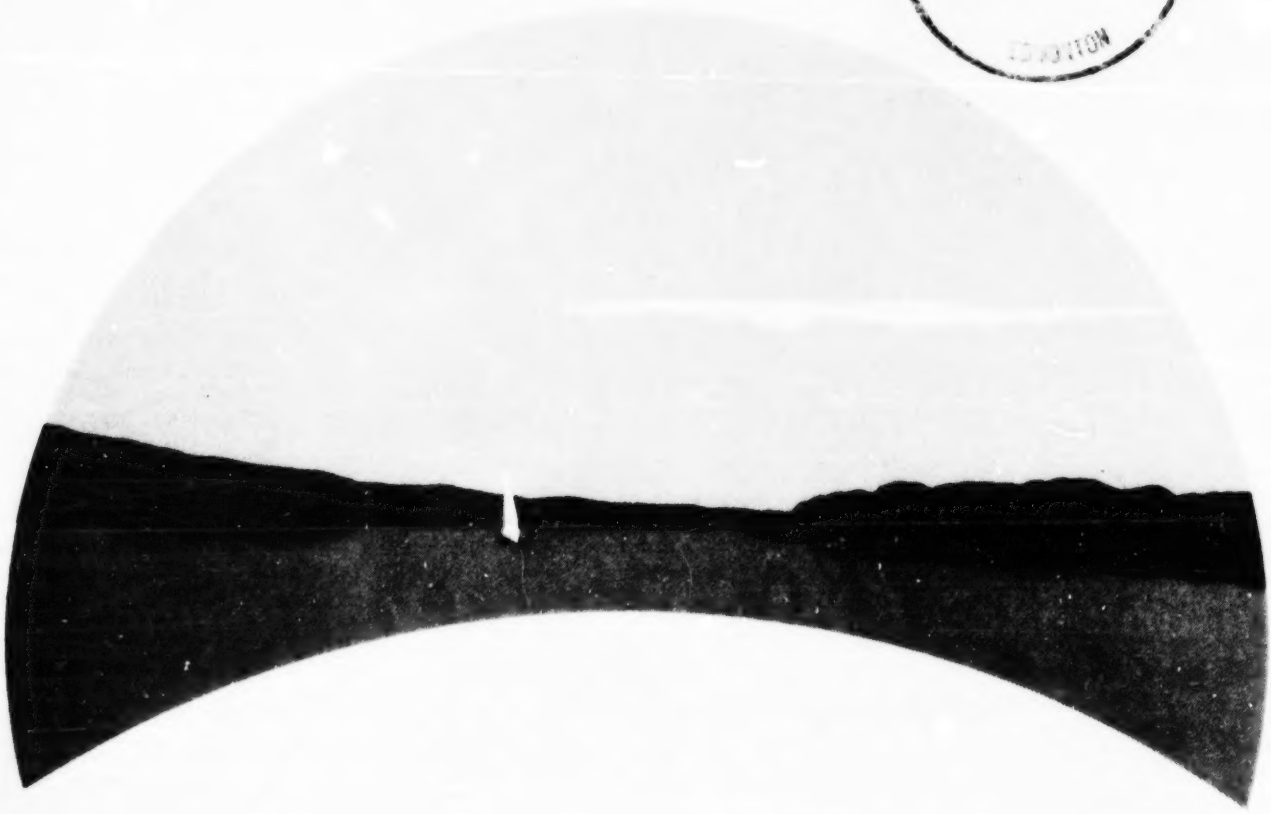

Summer Village of Island Lake South

Land Use Bylaw

Number 8/84

Bylaw Number 8/84

Being the Summer Village of Island Lake South Land Use Bylaw

Whereas The Planning Act, R.S.A. 1980, and amendments thereto authorize the council of a municipality to enact a land use bylaw to regulate and control the use and development of land and buildings within the municipality; and

Whereas the Council of the Summer Village of Island Lake South deems it desirable to adopt a land use bylaw:

Now therefore, the Summer Village of Island Lake South hereby repeals the County of Athabasca Land Use Bylaw No. 25-1980 and adopts this as the Summer Village of Island Lake South Land Use Bylaw.

READ A FIRST TIME THIS 17th day of APRIL, 1984.
READ A SECOND TIME THIS 23rd. day of JUNE, 1984.
READ A THIRD AND FINAL TIME THIS 23rd. day of JUNE, 1984.

George Walker
Mayor

Maddy Parsons
Municipal Administrator

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Part 1 GENERAL ADMINISTRATIVE PROCEDURES AND AGENCIES

1.1 Control of Development

1. No development other than that designated in Section 1.2 shall be undertaken within the Summer Village unless an application for it has been approved and a development permit has been issued by the Development Officer.

1.2 Development Not Requiring a Permit

1. The following development shall not require a development permit:

   (a) the carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation;

   (b) the completion and use of a building which was lawfully under construction on the date this Bylaw comes into effect, provided that the building is completed in accordance with the terms of any permit granted and subject to the conditions of that permit and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve months from the date this Bylaw comes into effect;

   (c) the erection or construction of gates, fences or walls or other means of enclosure (other than on corner lots) less than 6 feet in height, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure;

   (d) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, for the period of construction;

   (e) the maintenance and repair of public works, services and utilities carried cut by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.

1.3 Development Officer

Council hereby establishes the Office of Development Officer, which is authorized to act on behalf of Council on those matters delegated to it by this Bylaw. The Development Officer shall be appointed by Resolution of Council.

The Development Officer Shall:

(a) administer this Bylaw and receive, consider and decide upon all development permit applications unless the application is referred to the Municipal Planning Commission pursuant to subsection (b);

(b) have the discretion to refer any application to the Municipal Planning Commission for a decision;

(c) keep and maintain for the inspection of the public at reasonable times a copy of this Bylaw and all amendments thereto and ensure that copies are available to the public at a reasonable charge;

(d) shall be declared to be an authorized person of Council pursuant to Section 43 of the Planning Act, R.S.A. 1980.

1.4 Municipal Planning Commission

The Municipal Planning Commission established by Bylaw No. 9/84 shall perform such duties as specified in Part 2 of this Bylaw.

1.5 Development Appeal Board

The Development Appeal Board, being Council, shall perform such duties as specified in Section 2.5 of this Bylaw and in the Planning Act, R.S.A. 1980.

1.6 Planning Branch, Alberta Municipal Affairs

The Development Officer or Council may request the advice of the Director of the Planning Branch, Alberta Municipal Affairs, or a representative on matters pertaining to this Bylaw.

Part 2 DEVELOPMENT APPLICATION AND APPEAL PROCESS

2.1 Application for Development

1. An application form for a development permit shall be completed and submitted to the Development Officer and shall be accompanied by:

   (a) a site plan in duplicate showing the legal description and the front, rear and side yards, if any, and any provision for vehicle parking and access and egress points to the site;

   (b) building dimensions;

   (c) a statement of uses;

   (d) a statement of ownership of land and interest of the applicant therein;

   (e) the estimated commencement and completion dates;

   (f) the estimated cost of the project or contract price;

   (g) an application fee of $10;

   (h) any other information as required by the Development Officer.

2.2 Decision Process

1. In making a decision, the Development Officer may approve the application with or without conditions, or refuse the application.

2. In the case where a proposed use of land or a building is not provided for in any District in this Bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that District.

3. The Development Officer, in consultation with Council, may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Officer,

   (a) the proposed development would not:

      (i) unduly interfere with the amenities of the neighbourhood; or

      (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and

(b) the proposed development conforms with the use prescribed for the land or building in the Bylaw.

4. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made within 40 days after receipt of the application by the Development Officer. The applicant may appeal in writing as provided for in Section 2.5 of this Bylaw as though he has received a decision of refusal.

2.3 Development Permits and Notices

1. A permit granted pursuant to this Part does not come into effect until 15 days after the date an order, decision, or development permit is publicized as described in subsection (3) and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

2. Where an appeal is made pursuant to Section 2.5 of this Bylaw, a development permit which has been granted does not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.

3. When a permit has been issued the Development Officer shall:

(a) immediately post a notice of the decision conspicuously on the property for which the application has been made; and/or

(b) immediately mail a notice in writing to all adjacent land owners who in the opinion of the Development Officer may be affected; and/or

(c) immediately publish a notice in a newspaper circulating in the Summer Village stating the location of the property for which the application has been made and the use approved.

4. If the development authorized by a permit is not commenced within 12 months from the date of the permit's issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has been granted by the Development Officer.

5. A decision of the Development Officer on an application for a development permit shall be given in writing and a copy of it sent to the applicant.

6. When the Development Officer refuses an application for a development permit, the decision shall contain reasons for the refusal.

2.4 Compliance with Other Bylaws and Regulations

In addition to complying with this Bylaw, any development must conform with the Planning Act or other Bylaws and Regulations affecting the development in question.

2.5 Appeal Procedure

Where the Development Officer:

(a) refuses an application for a development permit; or

(b) fails to render a decision on an application for a development permit; or

(c) approves an application for a development permit; or

(d) issues an order under Part 3 of this Bylaw,

the person applying for the permit or affected by the order or any person, as the case may be, may appeal to the Development Appeal Board by serving written notice of the appeal to the Development Appeal Board within 14 days after the date the decision or order was mailed, pursuant to Sections 83, 84 and 85 of the Planning Act, R.S.A. 1980.

Part 3 CONTRAVENTION, AMENDMENT, NONCONFORMING BUILDINGS AND USES

3.1 Contravention

1. Where a person fails or refuses to comply with an order directed from the Development Officer, the Development Officer may take actions to enforce the order pursuant to Sections 81 and 82 of the Planning Act, R.S.A. 1980.

2. A person who contravenes any provision of this Bylaw, development permit or an order issued pursuant to Section 3.1(1) is guilty of an offence and is liable to a fine not to exceed $2500.

3.2 Amendment

Council may, by bylaw, amend or repeal this Bylaw pursuant to Sections 139 and 140 of the Planning Act, R.S.A. 1980. Requests for amendment may be made using Form B included in Part 6 of this Bylaw.

3.3 Nonconforming Buildings and Uses

Buildings and Uses which are not in conformance with this Bylaw are subject to the requirements of Section 74 of the Planning Act, R.S.A. 1980.

Part 4 LAND USE DISTRICTS

4.1 Establishment of Districts

1. For the purpose of this Bylaw the area within the boundary of the Summer Village of Island Lake South shall be the:

   Residential Single Family District (R-1)

2. The boundary of the R-1 District is as delineated on the Land Use Map (p. 8).

4.2 Residential Single Family District (R-1)

The purpose of this District is to provide for single family residential dwellings.

Permitted Uses

Single Family Dwellings (including mobile homes)
Accessory Buildings

Discretionary Uses

Recreation Vehicles
Public Recreation Facilities
Extensive Agriculture
Other similar uses as approved by the Development Officer

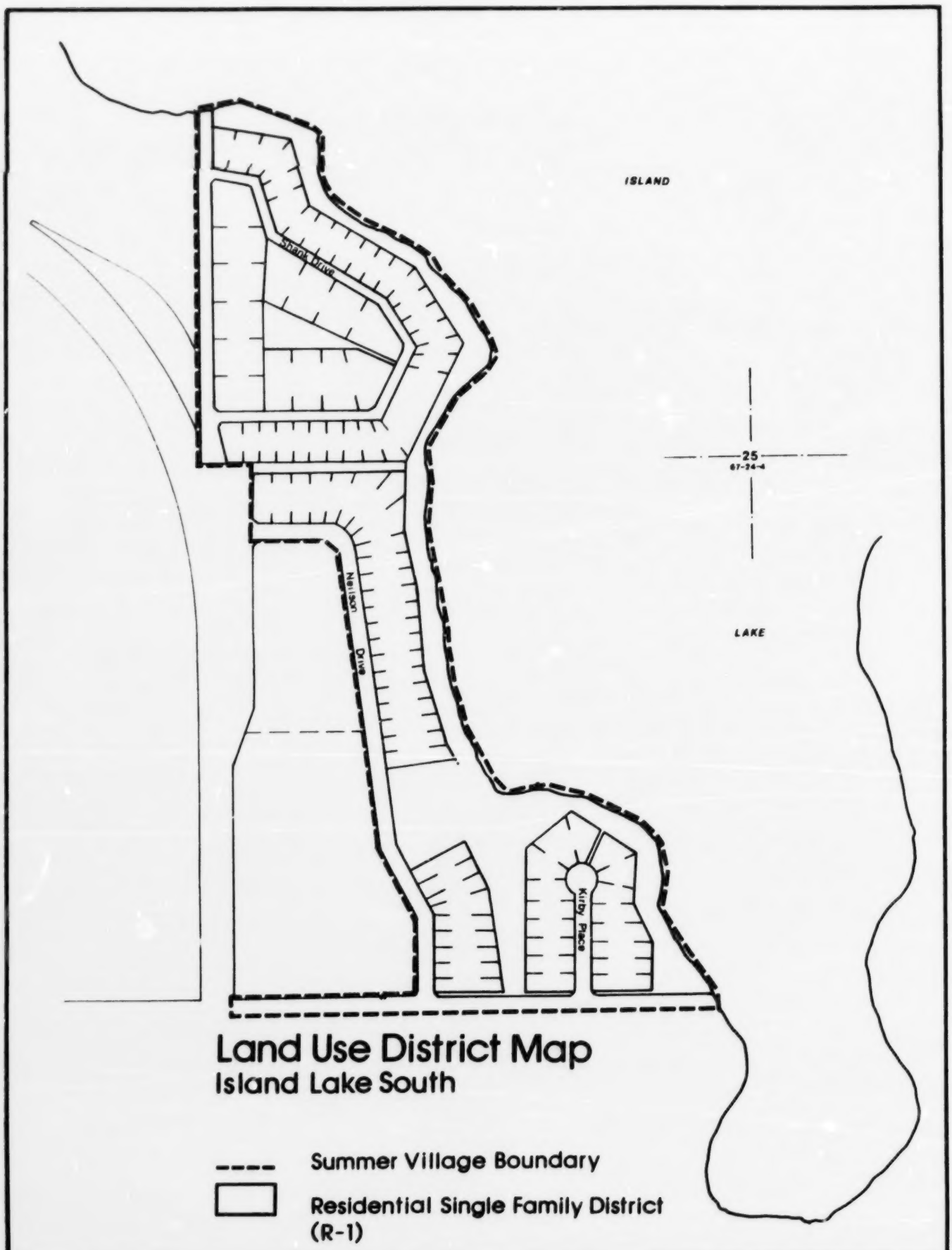
Regulations

1. Height maximum - 2 stories from the foundation.

2. Side yards - minimum 1.5m (5 ft.)
   Rear yards - minimum 3m (10 ft.)
   Front yards - minimum 6m (20 ft.)

3. Development shall only locate on parcels large enough to support any required on-site water supply and sewage disposal systems. All development shall be required to install sewage disposal systems which have been approved by the authority having jurisdiction.

4. All other site requirements shall be determined by the Development Officer.



Land Use District Map
Island Lake South

Summer Village Boundary

Residential Single Family District (R-1)

Part 5 LAND USE REGULATIONS AND PROVISIONS

5.1 Accessory Buildings

1. All accessory buildings shall be located at least 2m (6.6 ft.) from any principal building.

2. Notwithstanding subsection 1, when a building used or proposed to be used as an accessory building is located or proposed to be located closer than 2m (6.6 ft.) to a principal building, it shall be connected to that principal building by a structural element such as a common foundation, common roof or common wall.

3. An accessory building erected on a site shall not be used as a dwelling.

4. The siting of an accessory building shall be as approved by the Development Officer.

5. The height of an accessory building shall not exceed 4.5m (14.8 ft.) or 1 storey.

5.2 Controlled Appearance

The design and appearance of any proposed building or structure must be acceptable to Council, having due regard for the amenities and character of existing development.

5.3 Drainage

Any landscaping or topographic reconstruction shall be such that the finished surface contours do not direct surface drainage onto an adjoining lot.

5.4 Landscaping

Landscaping and planting must be carried out within a reasonable time period and shall be to the satisfaction of the Development Officer. Residential lots are to be kept free from extensive weed growth.

5.5 Topsoil Excavation

No person shall commence or continue the removal of topsoil without first obtaining a development permit. Topsoil and landscaping sufficient to avoid erosion are required, as determined by the Development Officer.

5.6 Corner Lots

Notwithstanding any other provision contained in this Bylaw, landscaping, the erection of fences, walls or other means of enclosure on a corner lot shall be to the satisfaction of the Development Officer to ensure that vision around the corner is not hindered.

5.7 Fences

No fence shall be:

(a) potentially hazardous, including electrical or barbed wire fences;

(b) higher than 2m (6.6 ft.) measured as the average elevation from the ground;

(c) higher than 1m (3.3 ft.) within 6m (20 ft.) of an intersection.

5.8 Sanitary Facilities

All buildings to be used as a dwelling unit shall be provided with sanitary facilities to the satisfaction of the Local Health Authority and/or the Provincial Plumbing Inspector.

5.9 Dwelling Units on a Parcel

No permit shall be granted for the erection of more than one dwelling unit on a single parcel.

5.10 Garbage Storage

Garbage shall be stored in weatherproof and animal proof containers.

5.11 Objects Prohibited or Restricted in Yards

1. No person shall keep or permit in any part of a yard:

(a) any dismantled or wrecked vehicle for more than 14 successive days;

(b) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the Summer Village;

(c) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken; the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;

(d) a commercial vehicle loaded or unloaded of a maximum weight in excess of 4000 kg (8818 lbs.).

5.12 Mobile Homes

1. Mobile homes shall have Canadian Standard Association Certification.

2. All accessory structures, such as patios, porches, additions and skirtings, shall be:

   (a) factory prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the mobile homes, and

   (b) considered as part of the main building, and

   (c) erected only after obtaining a Development Permit.

3. A mobile home unit shall be skirted from the floor level to the ground level.

4. The wheels are to be removed from the mobile home.

5. All mobile homes shall be placed on a foundation or base. The mobile home is to be attached by means of bolting or otherwise to the foundation or base.

5.13 Recreational Vehicles

Where more than one recreational vehicle is to be maintained on a parcel for more than 21 consecutive days it shall require a development permit and shall be located in a manner satisfactory to the Development Officer. Permits shall not be issued for more that one recreational vehicle per developed parcel or two recreational vehicles per vacant parcel.

5.14 Shoreline Reserve

Under provincial law, most development on the bed or shoreline of a lake (up to the high water mark) is required to obtain a License of Occupation from Alberta Energy and Natural Resources prior to construction. Improvements not requiring a License include minor bank stabilization, erection of a small removable seasonable domestic pier, or placement of a removable boat lift on the lake bed during the summer months.

Further information may be obtained from
Alberta Energy and Natural Resources
Land Management and Development Branch
South Petroleum Plaza
EDMONTON, Alberta T5K 2L9
427-5209

Part 6 - FORMS

Application No._____

APPLICATION FOR DEVELOPMENT

I/We hereby make application for a development under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith and which forms part of this application.

Applicant _____

Address: _____ Tel. No. _____

Registered owner of land: _____

Address: _____

Address of property on which the development is to be effected: _____

_____

Lot (parcel) _____ Block _____ Registered Plan No. _____

Existing use of land or building on the property: _____

Proposed use of land or building on the property: _____

Lot type: Interior _____ Corner _____

Lot width: _____ Lot length: _____ Lot area: _____

Proposed Yards, Front: _____ Rear: _____ Side: _____

Floor Area: _____

Building Height: _____

Accessory use: _____

Height of Accessory Building: _____

Set back from side lot line: _____ Set back from rear lot line: _____

Estimated commencement date: _____ Estimated completion date: _____

Estimated value of Development: _____

Interest of Applicant if not owner of property: _____

Other supporting material attached: _____

Signature of Applicant: _____ Date: _____

FORM A

Application No: _____

APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW

I/We hereby make application to amend the Land Use Bylaw.

Applicant: Name _____ Telephone _____

Address _____

Owner of Land: Name _____ Telephone _____

Address _____

Land Description: Lot _____ Block _____ Registered Plan _____

Certificate of Title _____

Amendment Proposed

FROM _____ TO _____

Reasons in support of Application for Amendment

DATE _____ SIGNED _____

FORM B

Re: Application No: _____

NOTICE OF DECISION OF THE DEVELOPMENT OFFICER

This is to notify you of a decision of the Development Officer whereby a development permit has been issued authorizing the following development.

Address of property _____

Lot _____ Block _____ Registered Plan _____

or Certificate of Title _____

Date of Decision _____

The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given.

FORM C

Re: Application No: _____

NOTICE OF REFUSAL

You are hereby notified that your application for a development permit has been R E F U S E D for the following reasons:

You may appeal this decision to the Development Appeal Board in accordance with Subsection 2.5 of the Land Use Bylaw. The appeal is to be made in writing to the Secretary of the Development Appeal Board within fourteen (14) days after the date of issue of this notice and is to explain grounds for the appeal.

Date of Decision _____

Date of Notice of the Decision _____

_____

Development Officer

FORM D

Permit No. _____

DEVELOPMENT PERMIT

Development involving Application No. _____ has been:

APPROVED

APPROVED, subject to the following conditions,

You are hereby authorized to proceed with the development specified provided that any stated conditions are complied with; that development is in accordance with any approved plans and applications; and, that all applicable permits are obtained. Should an appeal be made against this decision to the Development Appeal Board, the development permit does not come into effect until the appeal has been determined and the permit may be modified or nullified.

Date of Decision _____ Date of Issue of Development Permit _____

Signature of Development Officer _____

NOTE:

1. A Development Permit is subject to the condition that it does not become effective until 15 days after the date of issue.
2. The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given.
3. A permit issued in accordance with the notice of decision is valid for a period of 12 months from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.

FORM E

Re: Application No: _____

NOTICE OF APPEAL HEARING

This is to notify you that an appeal has been made to the Development Appeal Board against a decision on Application No. _____ concerning:

_____

_____

The decision was to _____ the development permit.

Place of Hearing _____

Time of Hearing _____

Date of Hearing _____

Any person affected by the decision of the Development Officer may appeal to the Development Appeal Board. Anyone wishing to be heard at the meeting must submit written briefs to the Secretary of the Development Appeal Board before _____.

_____
Date

_____
Secretary
Development Appeal Board

FORM F

Re: Application No:
Development Permit No.

NOTICE OF APPEAL DECISION

This is to notify you that an appeal against a decision with respect to Application No.___/Development Permit No._____ was considered by the Development Appeal Board on_____ ,19__ and the decision of the Board is as follows and for the following reasons.

_____
Date

_____
Secretary
Development Appeal Board

Note: A decision of the Development Appeal Board is final and binding and subject only to an appeal upon a question of jurisdiction or law pursuant to Section 152 of the Planning Act, R.S.A. 1980. An application for leave to appeal may be made to a judge of the Court of Appeal within 30 days after the issue of the decision by the Development Appeal Board.

FORM G

Part 7. DEFINITIONS

For the purposes of the interpretation of this Bylaw:

1) 'Act' means the Planning Act, R.S.A. 1980, as amended;

2) 'accessory building' or 'accessory use' means a building or use which, in the opinion of the Development Officer, is subordinate or incidental to the principal building or use located on the same parcel;

3) "building" includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway;

4) "Council" means the Council of the Summer Village of Island Lake South;

5) "development" means:
   (a) an excavation or stockpile and the creation of either of them, or
   (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
   (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
   (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

6) "Development Appeal Board" means a development appeal board appointed pursuant to Section 33 of the Act;

7) "development permit" means a document authorizing a development issued pursuant to this Land Use Bylaw;

8) "discretionary use" means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;

9) "dwelling unit, single family" means a building for the use of a single housekeeping unit intended as a permanent or semi-permanent residence.

10) "extensive agriculture" means the use of land or buildings, including the first dwelling or mobile home, for the production of crops;

11) "front yard" means a yard extending across the full width of a parcel from the front line (fronting the road) of the parcel to the front wall of the principal building situated on the parcel;

12) "mobile home unit" means a structure whether ordinarily equipped with wheels or not that is manufactured to be moved from one point to another by being towed or carried and which provides year round living accommodation for one or more persons and can be connected to utilities;

13) "non-conforming building" means a building
   (a) that is lawfully constructed or lawfully under construction at the date this Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
   (b) that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

14) "non-conforming use" means a lawful specific use
   (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date this Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
   (b) that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;

15) "order" means an order of compliance issued in writing by the Development Officer under Sections 81 and 82 of the Planning Act, R.S.A. 1980;

16) "parcel" means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

17) "permitted use" means the use of land or a building provided for in this bylaw for which a development permit shall be issued upon an application having been made;

18) "rear yard" means a yard extending across the full width of the parcel from the rear wall of the principal building situated on the parcel, to the rear line of the parcel;

19) "principal building" means a building, which in the opinion of the Development Officer:
   (a) occupies the major or the central portion of a site, or
   (b) is the chief or the main one among the buildings on the site, or
   (c) constitutes by reason of its use the primary purpose for which the site is used;

20) "recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motive power or is mounted or drawn by another vehicle.

21) "public recreation uses" means organized campgrounds, day use areas, picnic sites, lodges, hiking and skiing trails and other similar uses as developed by public interests.

22) "side yard" means a yard extending from the front wall of the principal building situated on a parcel to the rear wall of the main building and laying between the side line of the parcel and the side wall of the principal building;

23) "site plan" means a plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no buildings are situated, and showing fencing, screening, grassed areas, and the location and species of all existing and proposed shrubs and trees within the development;

24) "storey, first" means the storey with its floor closest to grade and having its ceiling more than 2m (6.6 ft.);

25) "storey, second" means the storey located immediately above the first storey;

26) "temporary" means a period of time up to 1 year;

27) "temporary building" means a building, other than a mobile home, constructed without any foundation below grade or any other building determined by the Development Officer to be temporary as a condition to the issuance of the development permit;

28) "yard" means a part of a parcel upon or over which no main building is erected;

and all other words and expressions have the meanings respectively assigned to them in the Act.